IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

OP.No. 8947 of 2000(M)

PETITIONER:

T.V.MARY, NURSE GR.II
(RETIRED), PUTHUSSERRY HOUSE,
P.O. KOTTAT, WEST CHALAKUDY,
THRISSUR DISTRICT.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:
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1. **THE DISTRICT MEDICAL OFFICER (I.S.M.),**
   TRICHUR.

2. **THE SENIOR MEDICAL OFFICER GOVERNMENT**
   AYURVEDA HOSPITAL, KODAKARA,
   PERAMBRA.

3. **THE DIRECTOR, INDIAN SYSTEMS OF MEDICINE,**
   AROGYA BHAVAN, TRIVANDRUM.

4. **THE GOVERNMENT OF KERALA REP.BY**
   THE PRINCIPAL SECRETARY,
   HEALTH AND FAMILY WELFARE DEPARTMENT,
   GOVERNMENT SECRETARIATE, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.P.N.SANTHOSH - R1 TO R4

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.8947/2000

ORDER ON CMP. NO.15014/2000 IN OP. NO.8947/2000

DISMISSED

23.10.2007 **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER ISSUED BY THE IST RESPONDENT DT. 11.3.96.

EXT.P2:- COPY OF THE EXTRACT OF the RELEVANT PAGES THE PENSION BOOK OF THE PETITIONER.

EXT.P3:- COPY OF THE JUDGMENT IN OP. 24199/99 DT. 25.10.99.

EXT.P4:- COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT DT. 31.1.2000.

ANNEXURE R3(a):- COPY OF THE GO(RT) NO.605/2000 /H&FWD DT. 6.3.2000.

/TRUE COPY/

P.S. TO JUDGE

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.8947 of 2000-M

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Dated this the 23rd day of October, 2007.

JUDGMENT

The third respondent has filed a statement placing Ext.R3 (a) on record with copy to the writ petitioner on 6-4-2000. Ext.R3(a) is not under challenge. It shows that the petitioner had relinquished permanently a right for promotion as Senior Nurse with effect from 31-7-1981 and the same was accepted by the Director of Indian Systems of Medicine as per proceedings dated 29-8-1981. Accordingly, the respondents are right in taking the stand in Ext.R3(a) that the petitioner has lost her grade promotions also. The writ petition fails. The same is accordingly dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.8947 of 2000-M

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JUDGMENT

Dated: 23rd October, 2007.